

City of Prescott

Board of Adjustment



October 19, 2023 | 9:00 AM
201 N. Montezuma Street
Council Chambers, 3rd Floor
Prescott, AZ 86301

AGENDA

The following Agenda will be considered by the **Board of Adjustment** at their meeting to be held **October 19, 2023**. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

1. CALL TO ORDER

2. ROLL CALL

3. DISCUSSION & ACTION ITEMS

A. Approval of the September 21, 2023 Board of Adjustment Meeting Minutes.

Recommended Action: MOVE to approve the minutes as presented

B. **CUP23-002** - A Conditional Use Permit for a Rental Car Agency Business in the Former Sears Tire Center. Location: 3400 Gateway Blvd., APN 103-20-598J. Zoning: Business Regional (BR) (Land Development Code Sections 4.8 and 9.3). Owner: ESPIRE AZ LLC. Applicant: Stroh Architecture Inc.

Recommended Action: MOVE to Approve/Deny CUP23-002

4. STAFF UPDATES

5. ADJOURNMENT

Upon a public majority vote of a quorum of the Board, the Board may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:

- (1) Discussion or consideration of personnel matters (A.R.S. §38-431.03(A)(1));
- (2) Discussion or consideration of records exempt by law (A.R.S. §38-431.03(A)(2));
- (3) Discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03(A)(3));
- (4) Discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid litigation (A.R.S. § 38-431.03(A)(4));
- (5) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03(A)(5));
- (6) Discussion, consultation or consideration for negotiations by the city or its designated representatives with members of a tribal council, or its designated representatives, of an Indian

reservation located within or adjacent to the city (A.R.S. §38-431.03(A)(6));

(7) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03(A)(7)).

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall on 10/16/23 at 12:00 p.m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

A handwritten signature in cursive script, reading "Sarah M. Siep".

Sarah M. Siep, City Clerk



TO: MAYOR AND CITY COUNCIL
AGENDA: October 19 Board of Adjustment
DATE: October 19, 2023
DEPT: Community Development
ITEM #: 3.A
SUBJECT: Approval of the September 21, 2023 Board of Adjustment Meeting Minutes.

ITEM SUMMARY

This item is for the approval of the September 21, 2023 Board of Adjustment Meeting. Staff recommends approval of the minutes as presented.

BACKGROUND

None.

FINANCIAL IMPACT

No fiscal impact at this time.

RECOMMENDED ACTION

MOVE to approve the minutes as presented

ATTACHMENTS

1. September 21, 2023 BOA Minutes



City of Prescott

Board of Adjustment

September 21, 2023 | 9:00 AM
201 N. Montezuma Street
Council Chambers, 3rd Floor
Prescott, AZ 86301

MINUTES

1. CALL TO ORDER

Chairman Jim Lamerson called the meeting to order at 9:00 A.M.

2. ROLL CALL

Jim Lamerson - Chairman
Tony Teeters - Vice Chairman
Thomas Davis - Member
Mary Frederickson – Member
Miriam Haubrich – Member
Mark Hokeness Member (Absent)
James Myers - Member

3. DISCUSSION & ACTION ITEMS

A. Approval of the August 17, 2023 Board of Adjustment Meeting Minutes.

MOTION BY BOARD MEMBER MYERS TO APPROVE AUGUST 17, 2023 MINUTES; SECONDED BY BOARD MEMBER DAVIS: PASSED (6 - 0)

B. **V23-005** - Variance to Article 6, Section 6.12.5.A.1.h. (Permanent On-Site Signs) of the Land Development Code (LDC) to Allow for an Increase From 32 Square Feet of Allowable Menu Board Signage to 38 Square Feet of Menu Board Signage for Wendy's Restaurant on an Approximate 0.90-Acre Parcel. Zoning: Business General (BG). Location: APN 113-07-030A, 650 Miller Valley Road. Owner: 650 Properties LLC. Applicant: Grace Signs Arizona LLC. Community Planner: Kaylee Nunez

Kaylee Nunez, Community Planner began by stating that this request is after the fact as the menu board has already been up and is in use. She then stated that Wendy's Restaurant is requesting a Variance to allow for thirty-eight square feet of menu board signage as The Land Development Code allows for a maximum of thirty-two square feet.

Ms. Nunez stated that she researched similar projects in the area and discovered that a Variance was recently granted to the Culver's drive-thru on Willow Creek Road for 46 square feet of menu board signage. Culver's is in the same Business General zoning district as Wendy's.

Ms. Nunez stated that the area has substantial commercial traffic with Fry's shopping center being to the north and Taco Don's drive-thru restaurant to the

south. She stated that there is a manufactured home park to the west, but they built a six-foot wooden fence between the new Wendy's and the park to provide buffering. Ms. Nunez stated that the request is very unlikely to have a negative impact on neighboring properties.

Ms. Nunez presented photos of the signs that were posted to notify the public of the Board of Adjustment meeting. There were also notifications mailed to properties within three-hundred feet of the property. Ms. Nunez stated that there have been no comments from the public.

Ms. Nunez then presented a site plan to show where the sign is located and a zoning map to show the heavy commercial zoning in the area. She also presented photos and a rendering of the menu board sign.

Ms. Nunez then presented the Variance Review Criteria and stated that they met four of the six criteria.

- Extraordinary Conditions: No
- Substantial Detriment: No
- Special Privileges: No
- Self-Induced Hardship: Yes
- General Plan: Yes
- Utilization: Yes

Board Member Thomas Davis spoke about the Culver's variance that they saw come through and how they had discussions about setting precedence. He stated that maybe staff should look at the code and see if it needs to be adjusted to meet current needs as variances for larger signs for restaurants will continue to be applied for.

The applicant, Mike Donada with Signs Plus stated that the menu board in use is the standard sign that Wendy's uses nationally.

MOTION BY BOARD MEMBER FREDERICKSON TO APPROVE V23-005 AS PRESENTED; SECONDED BY BOARD MEMBER TEETERS: PASSED (6 - 0)

4. STAFF UPDATES

No Staff Updates.

5. ADJOURNMENT

There being no further business to discuss, Chairman Lamerson adjourned the meeting at 9:11 A.M.

JIM LAMERSON, Chairman

ATTEST:

SARAH HILTON, Recording Secretary



TO: MAYOR AND CITY COUNCIL
AGENDA: October 19 Board of Adjustment
DATE: October 19, 2023
DEPT: Community Development
ITEM #: 3.B
SUBJECT: **CUP23-002** - A Conditional Use Permit for a Rental Car Agency Business in the Former Sears Tire Center. Location: 3400 Gateway Blvd., APN 103-20-598J. Zoning: Business Regional (BR) (Land Development Code Sections 4.8 and 9.3). Owner: ESPIRE AZ LLC. Applicant: Stroh Architecture Inc.

ITEM SUMMARY

This request seeks a Conditional Use Permit (CUP) for a new Rental Car Agency in an existing building that was previously used as the Sears Tire Center. Per Land Development Code (LDC) Section 2.3/Land Use Table, Rental Car Agencies are allowed in the Business Regional (BR) zoning district by CUP. In compliance with LDC Section 9.1.2/Common Procedure - Pre-Application Conference, and Section 9.3.3/Conditional Use Permits - Conditional Use Application Process, the applicant completed a meeting with staff prior to submitting the CUP application for the proposed use at this site and has met all other requirements of Section 9.1/Common Procedure.

BACKGROUND

SITE INFORMATION:

The proposed rental car agency is located in space previously used as Sears Tire Center with designated parking. The applicant does not propose any changes to the existing site or building, other than minor change to the interior space.

PROPOSED USE:

The applicant proposes a rental car agency in an existing building, open seven days a week. Most of the business is by appointment only.

CONDITIONAL USE REVIEW CRITERIA:

Conditional Uses require special consideration regarding the effect on surrounding properties and the use in relation to the objectives of the ordinance. A conditional use permit may be granted only when the Board of Adjustment finds the proposal meets the general criteria, as detailed in LDC Section 9.3.5/Conditional Use Review Criteria.

Section 9.3.5.A. Effect on Environment

"The location, size, design and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property."

The proposed rental car agency proposes hours of operation that are compatible with the neighboring commercial properties.

Section 9.3.5.B. Compatible with Surrounding Area

"The proposed site plan, circulation plan, and schematic architectural designs shall be harmonious with the character of the surrounding area with respect to landscaping, scale, lot coverage, and the like."

The proposed rental car agency is within an existing building and no exterior or site changes are proposed.

Section 9.3.5.C. External Impacts Minimized

“The proposed use shall not have negative impacts on existing uses in the area and in the City through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact. The applicant shall provide adequate mitigation response to these impacts.”

Noises from customers arriving/departing and parking are the only potential impacts on neighbors, which are all commercial properties and uses.

Section 9.3.5.D. Infrastructure Impacts Minimized

“The proposed use shall not have negative impacts on existing uses in the area and in the City through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.”

As a rental car agency in an existing building, there would be no negative impacts to infrastructure.

Section 9.3.5.E. Consistent with General Plan and Code

“The proposed use will be consistent with the purposes of this Code, the General Plan, Area Plans, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses permitted outright in the zone in which it is located. If the use is permitted outright in another zone, there must be a substantial reason for locating the use in an area where it is only conditionally allowed.”

The proposed use, with Conditional Use Permit, is in conformance with the purposes of the LDC and General Plan, and all relevant policies and plans. Rental car agencies are allowed by right in the Industrial Transitional (IT), Industrial Light (IL), and Industrial General (IG) zoning districts. The proposed location for this type of business, however, is within a building with other businesses and will not impact any adjacent properties.

Section 9.3.5.F. Parcel Size

“The proposed use may be required to have additional land area, in excess of the minimum lot area otherwise required by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the affected zoning district.”

This proposed use will not have impacts requiring additional land area.

Section 9.3.5.G. Site Plan

“The proposed use shall comply with the procedures and requirements of Sec. 9.8, Site Plan Review.”

The building is existing with other service and retail businesses.

Section 9.3.6. Additional Conditions

“The Board of Adjustment may impose additional reasonable conditions to carry out the spirit and intent of this Code and to mitigate adverse effects of the proposed use.”

Staff has no additional conditions to suggest.

Section 9.3.7.C. Expiration/Revocation of Approval

“The Board of Adjustment may revoke a Conditional Use Permit in the event of a subsequent failure by the property owner or person in possession to comply with an ongoing condition of approval. Such revocation shall not occur without written notice to the property owner, at least 20 calendar days prior, advising of the revocation consideration and an opportunity to appear before the Board. Revocation procedures shall be subject to the Public Notice requirements set forth in Sec 9.1.8.A.”

Section 9.3.8. Appeal

“An appeal from any final decision regarding a Conditional Use Permit shall be in accordance with Sec. 9.18, Appeal of Council or Board of Adjustment Decisions.”

Appeals must be filed within 30 days of Board of Adjustment decision.

HISTORIC PRESERVATION:

The site is not located within a Prescott Preservation or National Register district.

STAFF RECOMMENDATION:

Staff recommends approval of the Conditional Use Permit for a rental car agency.

NEIGHBORHOOD COMMENTS:

Staff has not received any public comments regarding this Conditional Use Permit request.

FINANCIAL IMPACT

There is no fiscal impact associated with this item.

RECOMMENDED ACTION

MOVE to Approve/Deny CUP23-002

ATTACHMENTS

1. NARRATIVE
2. Maps and Pictures

NARRATIVE OF ENTERPRISE CAR RENTAL PROJECT

TENANT: Enterprise Car Rental
Mr. Timothy Fascetta
4100 W. Galveston Blvd, Suite 1
Chandler, AZ 85226
Timothy.p.fascetta@ehi.com
480-705-5005

AGENT: Douglas Stroh Architect
1577 Plaza West Drive, Suite B
Prescott, AZ 86303
doug@stroharchitectureinc.com
928-771-0548

Organization

Legal Name: Enterprise Leasing Company of Phoenix, LLC, a wholly owned subsidiary of Enterprise Holdings (<https://www.enterpriseholdings.com/home.html>)

Corporate store (not a franchise)

DBA (Prescott Site): Enterprise Rent-A-Car

Service area City of Prescott and Prescott Valley

Use of Site: Tenant Improvements Only

- Main Use: Local automotive rental of late-model passenger vehicles and trucks to the general public where they live and work
- Ancillary: On-site interior cleaning and exterior washing of rental vehicles
 - Vehicle repairs and maintenance will not occur on site. All repairs and maintenance are completed by a third-party at an off-site location
- Support: Retail office use to facilitate rentals to the general public
- Parcel # 103-20-598J

Hours of Operation 7:00am to 6:00pm (7 days a week).

We operate on a utilization / just in-time model which means vehicles are not intended to be sitting as you would find at a typical airport rental car site (rows of vehicles to choose from). Additionally, our business is fluid throughout the week and during various periods or holidays throughout the year. Consequently, from a parking perspective (if needed to be discussed), we expect there to be on average 15-50 rental vehicles parked at any given time. However, pursuant to the lease we will have use of 81 parking spaces at the site (shown in on the attached illustration) which, if need be, should be the number utilized as our maximum rental vehicle parking. If for some reason parking would need exceed the permissible number of spaces, vehicles would be relocated to other nearby operations (Cottonwood, Sedona, Flagstaff or to our regional operating areas in the State of Arizona – Phoenix, Tucson, Yuma, Kingman, Bullhead, Lake Havasu, etc.) Also, per the lease, employees and customers may and will utilize other parking spaces at the site.

Planned Improvements:

Site & Building Elevation:

- Restriping of ADA and standard (45°) parking stalls adjacent to suite (there will be no change the existing and approved parking / striping plan)
- Exterior signage on the building (under separate permit unless needed or can be included in CUP)

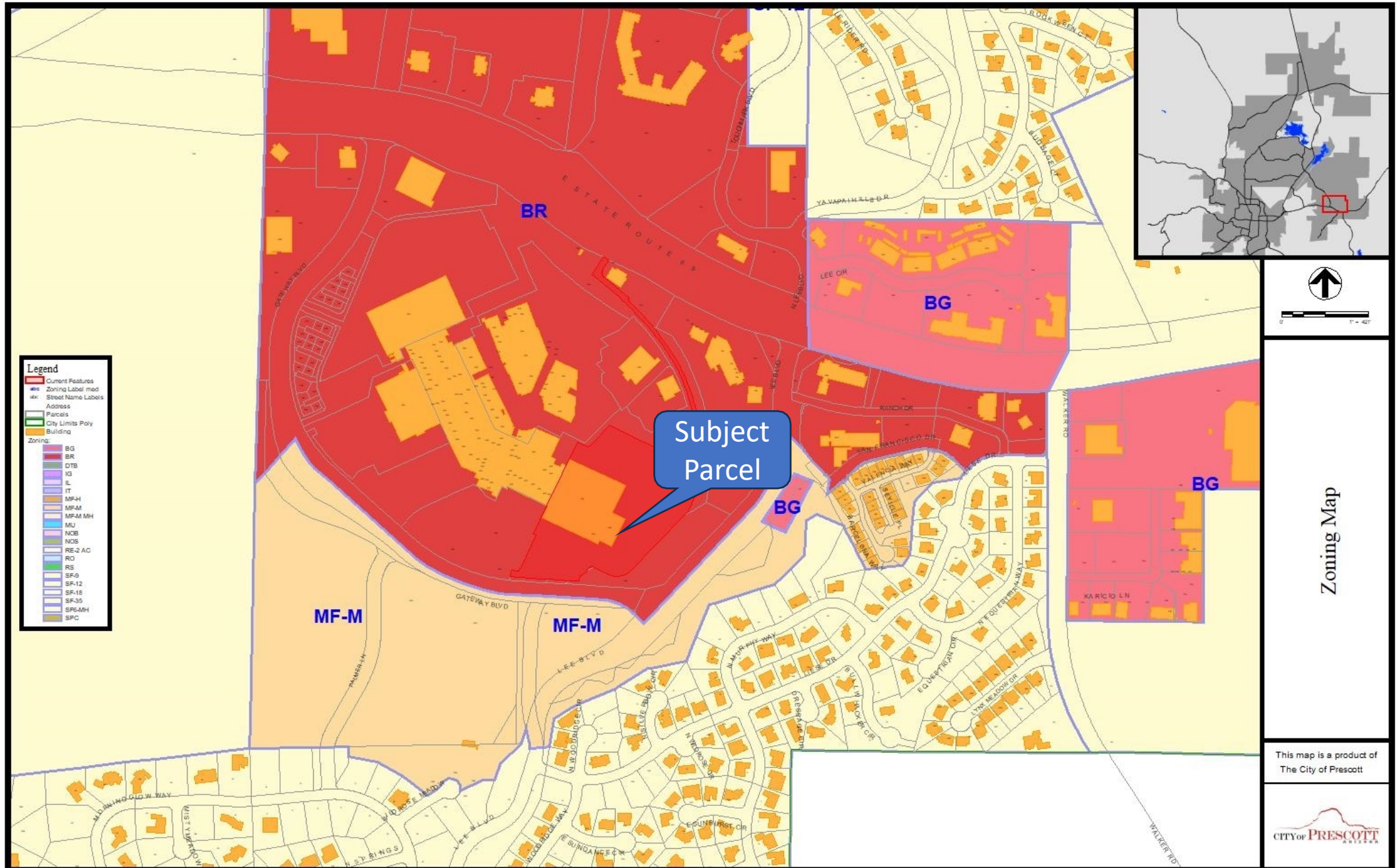
Interior:

- Removal of underground automotive lift cylinders in existing garage bays
- Replacement of interior finishes (ceiling tiles, flooring, paint, and millwork)
- Replacement of interior lighting fixtures
- Replacement of HVAC RTU and potential replacement of heating fixtures in bays pending assessment – all ducting to remain the same other than registers and which will be replaced as finishes.
- Waterproofing electrical in current garage bays. We envision utilizing existing electrical in the bays and office space.
 - Vehicles will be cleaned and washed inside former service bays.
 - There is an existing floor trench drain system which is connected to an existing oil/water interceptor.
 - The fire suppression system will be modified as required.

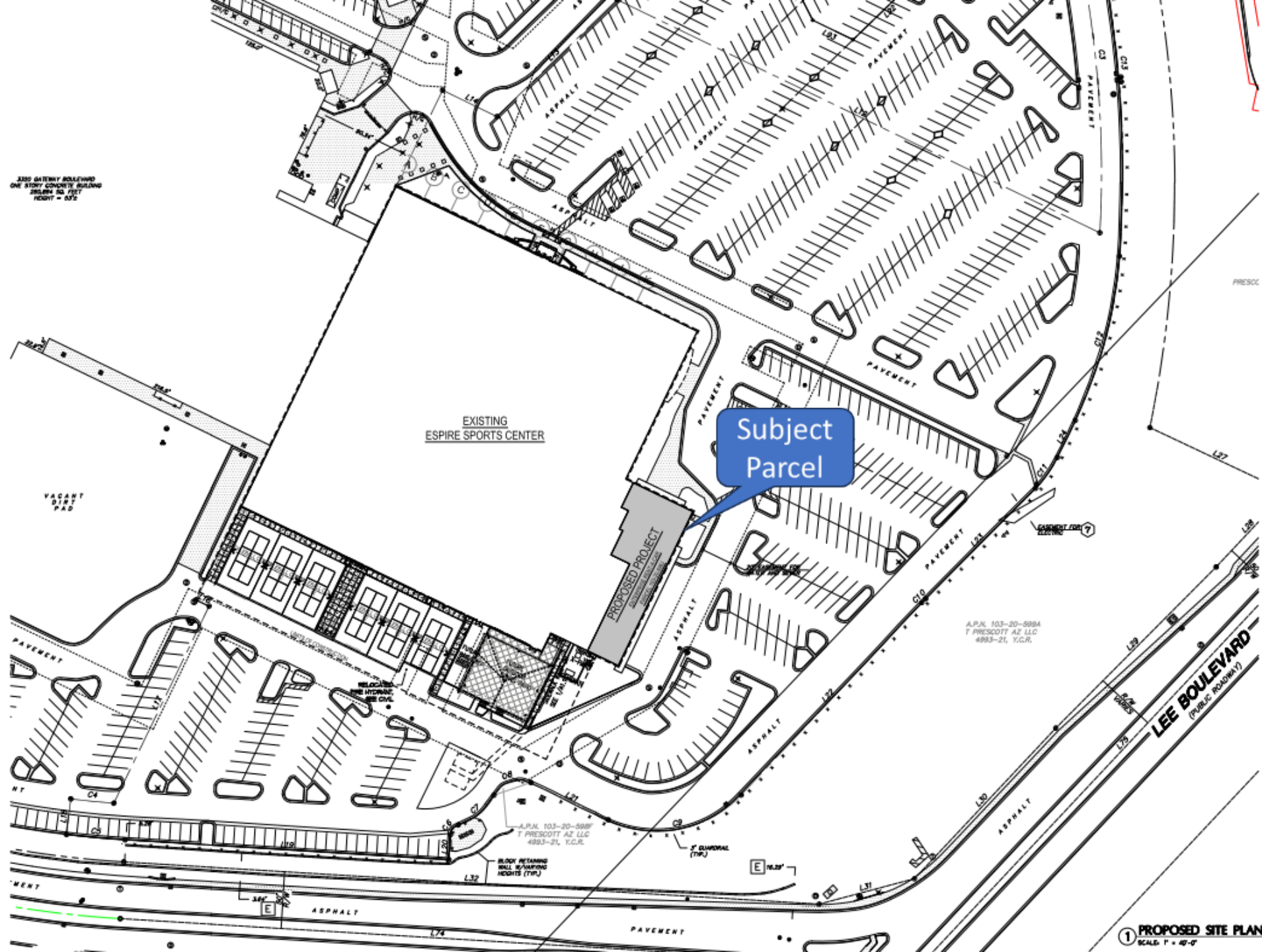
This Company will be compatible with the surrounding area. In the past this space was utilized for a Sears Automotive Center and a Car Rental Company.

Espire utilizes a small percentage of their parking spaces, so the Enterprise cars will have little impact on the overall parking situation.

This project will not create a noise problem and no hazardous materials are used on site. The car bays are solely used for cleaning their vehicles.







330 GATEWAY BOULEVARD
ONE STORY CONCRETE BUILDING
28500 SQ. FEET
HEIGHT = 6'5"

EXISTING
ESPIRE SPORTS CENTER

Subject
Parcel

PROPOSED PROJECT
ASPHALT

A.P.N. 103-20-5984
T. PRESCOTT AZ LLC
4993-21, Y.C.R.

A.P.N. 103-20-5984
T. PRESCOTT AZ LLC
4993-21, Y.C.R.

BLIND RETAINING
WALL WITH STAIRING
HEIGHTS (TYP.)

3" CURB
(TYP.)

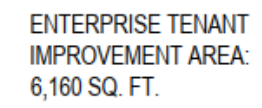
LEE BOULEVARD
(PUBLIC ROADWAY)

PARKING	
ESPIRE PARKING	447
OUTSIDE PARKING	51
TOTAL PARKING	498

1 PROPOSED SITE PLAN
SCALE: 1" = 40'-0"







Page 15 of 15